

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL V. JOHNSON,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	
	)	Civil Action No. 01-663
METROPOLITAN LIFE INSURANCE COMPANY	)	
and JOSEPH A. BRUNO,	)	
	)	
	)	
Defendant.	)	

AMBROSE, Chief District Judge.

**MEMORANDUM OPINION**

Defendants have filed a Motion in Limine seeking to exclude the deposition testimony of Harry Kamen ("Kamen"). Kamen served in various positions at MetLife over at least a thirty year period. During that time he worked as an attorney in the investment section of the law department, as assistant general counsel, as deputy general counsel, and as chief of staff to the CEO of MetLife. Kamen was deposed in connection with the Hazen v. Metropolitan Life Insurance Company, Civ. No. 95-13087 litigation. Neither party has attached the whole of Kamen's deposition transcript, so it is somewhat difficult to assess the precise nature of his testimony. It does appear, however, that Kamen did speak of the practice of "equity funding" (also referred to as "piggybacking" and "FIP"), which is an issue in this case. This testimony is relevant to Johnson's claim and I find that its probative value outweighs any

prejudicial effect.

Accordingly, this **24<sup>th</sup>** day of August, 2006, it is Ordered that the Motion in Limine (Docket No. 76) is DENIED. Kamen's testimony, insofar as it relates to the practice of "equity funding" is admissible.<sup>1</sup>

BY THE COURT:

/S/ Donetta W. Ambrose

Donetta W. Ambrose,  
Chief U. S. District Judge

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<sup>1</sup> In so holding, I feel compelled to note again that I am discouraged by Plaintiff's counsel's sloppy work. The brief submitted in opposition to the Motion in Limine appears to have been simply cut and pasted from another brief. Indeed, a large portion of the brief in opposition discusses how "Mr. Levine's" testimony regarding the sustainability of the dividend scale is relevant to the case at bar. Mr. Levine's testimony is not at issue in the pending motion. This Court has previously cautioned counsel to pay more attention to the details.